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09/033,832	03/03/1998	WALTER W. MOSHER JR.	PREDYN-42891	2572

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/033,832
Filing Date: March 03, 1998
Appellant(s): MOSHER ET AL.

Scott W. Kelley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01 September 2006 appealing from the
Office action mailed 01 March 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Related Appeal No. 2001-1638 decided 27 February 2002

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: for each ground of rejection, Applicant's admitted prior art from the Specification was also used.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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5,479,797	PETERSON	1-1996
4,612,719	DE JONG	9-1986
5,168,281	TOKUNAGA	12-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 30, 32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson, US #5,479,797 in view of Applicant's admitted art in the Specification (page 3 lines 5-8), de Jong US #4,612,719, and Tokunaga US #5,168,281.

Peterson shows (Figures 1-6) a disposable attachment means (20) and a reusable securement means (10). The extremities of the attachment means pass through openings in the securement means and overlap (Figures 4 and 5). Peterson shows (Figures 2-3) that one end of the strap includes an opening (26) for receiving a mounting boss (32) therein. Peterson shows (Figures 1, 2 and 5) that the securement means defines an opening for slide-through passage of the strap second end. Peterson does not disclose attaching a radio frequency identification device to the securing means and attaching an antenna for the radio frequency identification device to the strap.

The Applicant discloses in the Specification that the use of radio frequency identification devices are known in the art. De Jong shows (Figure 1) the idea of embedding a detection device (2) within a securing device. In view of the teachings of Applicant's admitted prior art and deJong, it would have been obvious to one in the art to modify Peterson by attaching a radio frequency identification device (RFID) to the

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securing means since this would allow electronic information to be stored on the assembly, the information to be changed as desired, and the information transmitted to a distant location in an easier and faster manner.

Tokunaga teaches (Figures 1-4) a device comprising an elongated and disposable flexible strap (2, 4) having an antenna (3) carried on the strap, and coupling means (5, 12) for operatively and removably connecting the antenna with the receiver when the securement means is connected to the strap and for disconnecting the antenna from the receiver when the securement means is disconnected from the strap. In view of the teachings of Tokunaga it would have been obvious to one in the art to modify Peterson in view of Applicant's admitted prior art and de Jong by placing an antenna within the band since this would allow the RFID to both transmit and receive signals in a better manner.

Claims 35-37, 41, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald US #5,323,554 in view of Applicant's admitted art in the Specification (page 3 lines 5-8), de Jong, and Tokunaga.

MacDonald teaches (Figures 1-10) a disposable tubular band (10 or 14) and a reusable securement means (16 or 16' or 16''). The opposite ends of the strap (10 or 14) have openings which receive the opposite ends of the securement means. MacDonald does not teach attaching a radio frequency identification device to the securing means and attaching an antenna for the radio frequency identification device to the strap. The Applicant discloses in the Specification that the use of radio frequency identification devices is known in the art. De Jong shows (Figure 1) the idea of

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embedding a detection device (2) within a securing device. In view of the teachings of Applicant's admitted prior art and de Jong, it would have been obvious to one in the art to modify MacDonald by attaching a radio frequency identification device (RFID) to the securing means since this would allow electronic information to be stored on the assembly, the information to be changed as desired, and the information transmitted to a distant location in an easier and faster manner.

Tokunaga shows (Figures 1-4) a device comprising an elongated and disposable flexible strap (2, 4) having an antenna (3) carried on the strap, and coupling means (5, 12) for operatively and removably connecting the antenna with the receiver when the securement means is connected to the strap, and for disconnecting the antenna from the receiver when the securement means is disconnected from the strap. In view of the teachings of Tokunaga it would have been obvious to one in the art to modify MacDonald in view of the Applicant's admitted prior art and de Jong by placing an antenna within the band since this would allow the RFID to both transmit and receive signals in a better manner.

(10) Response to Argument

Applicant argues that the Tokunaga reference (when combined with either Peterson or MacDonald) does not teach the antenna as being removably connected to the receiver, and in fact teaches away from this arrangement since Tokunaga teaches terminal 4 (Figure 1) as being attached to connector 5 by caulking or welding. However, the claim language recites the antenna as being removably connected to the RFID circuit.

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Tokunaga teaches the circuit 11 in the casing and the casing being attached to the strap by screws 14 which are removable (column 5 lines 18-22).


Regarding the motivation to combine the references, such motivations have been discussed in the rejection. The combination of these references would provide an RFID bracelet that includes an antenna that would not be easily damaged, as discussed in the Background of the Invention (Tokunaga). The advantages of a radio frequency device on such an identification band are discussed by de Jong (Background of the Invention) as being, for example, providing the ability to monitor livestock.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Joanne Silbermann

Conferees:

Lesley Morris 

Meredith Petravick 